

Remarks/Arguments

Priority Under 35 USC § 119

The Office Action of August 7, 2006 indicated that the priority document for the instant application has not been received. A certified copy of the priority document (European Patent Application No. 02425513.5) was submitted on July 17, 2006 as part of an Office Action reply. Copies of the July 17 reply and the acknowledgement postcard for same are attached to the Appendix.

The Rejection of Claims 5-13 Under 35 U.S.C. §112

The Examiner rejected Claims 5-13, under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, the Examiner cited the shroud recited in Claim 5 with respect to Figures 6 and 9 of the instant application. Figure 6 shows separate shroud 15 and shield 20, which are also described in paragraphs [0064] and [0068], respectively, of the published application.

During a telephonic conference between the Examiner and the undersigned on September 14, 2006, the Examiner agreed that a separate shroud and shield are shown and described in the figures and specification, respectively, of the instant application and that Claim 5 correctly recites the movement of the shroud.

Applicants courteously request that the rejection be removed.

The Rejection of Claims 5-7 Under 35 U.S.C. §102(b)

The Examiner rejected Claims 5-7 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,947,404 (Dolgas et al). Applicants respectfully traverse the rejection.

Anticipation requires that all of the elements of the claim be taught within the four corners of a single reference.

Amended Claim 5 recites: “wherein a first portion of said shroud guides a wire during a winding of said wire about said pole and a second portion of said shroud *directly guides* said wire on said hook to terminate said wire onto said hook.” (emphasis added).

The Examiner stated: “Doglas (sic) discloses an apparatus...comprising at least one flier 50 and at least one shroud that moves radially with respect to the stator overlapping a respective pole extension, the shroud comprises means 68 for guiding the wire on the hook (see Figure 7).”

Assuming *arguendo* that Dolgas teaches a shroud that includes a means for guiding a wire (hook 68), as is generally recited in Claim 5, hook 68 of Dolgas does not directly guide the wire on to a hook as recited in amended Claim 5. For example, Figure 8 of Dolgas shows the closest approach of hook 68 to terminal members 26. Even in this position hook 68 is relatively far from members 26 and in no way can directly guide the wire on the members. In the September 14 telephonic conference, the Examiner agreed that amended Claim 5 is novel with respect to Dolgas.

Dolgas does not teach all the elements of Claim 5. Therefore, Claim 5 is novel with respect to Dolgas. Claims 6 and 7, dependent from Claim 5, enjoy the same distinction with respect to Dolgas. Applicants courteously request that the rejection be removed.

The Rejection of Claim 5 Under 35 U.S.C. §102(b)

The Examiner rejected Claim 5 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,606,208 (Sakashita et al). Applicants respectfully traverse the rejection.

Anticipation requires that all of the elements of the claim be taught within the four corners of a single reference.

The Examiner stated: “Sakashita discloses an apparatus...comprising at least one flier and at least one shroud that moves radially with respect to the stator overlapping a respective pole extension, the shroud comprises means 23 for guiding the wire on the hook.” Elements 23 are electrodes for fusing terminals 6. (col. 9, lines 17-35). The electrodes do not guide a wire. Wire 4 is already in place before the electrodes are used to fuse the terminals. This is clearly shown in Fig. 6. Element 23 is not a shroud.

In the September 14 telephonic conference, the Examiner agreed that Claim 5 is novel with respect to Sakashita.

Sakashita fails to teach all the elements of Claim 5. Therefore, Claim 5 is novel with respect to Sakashita. Applicants courteously request that the rejection be removed.

The Objection of Claims 8 through 13 as Being Dependent Upon a Rejected Base Claim

Claims 8 through 13 were objected to as being dependent upon a rejected base claim, but the Examiner indicated that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 5 is novel with respect to Dolgas and Sakashita. Therefore, Claims 8-13, dependent from Claim 5, no longer depend from a rejected base claim. Applicants courteously request that the objection be removed.

Conclusion

Applicants respectfully submit that all pending claims are now in condition for allowance, which action is courteously requested.

Respectfully submitted,

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CPM/
Dated: November 6, 2006

Attorney Docket No.: ATOP: 108US
U.S. Patent Application No. 10/631,099
Reply to Office Action of August 7, 2006
Date: November 6, 2006

Appendix



CPM

RECEIVED IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Massimo PONZIO and Fabrizio CRESTI

U.S. Patent Application No. 10/631,099

Filed: July 31, 2003

FOR: METHOD AND APPARATUS FOR WINDING MULTI-POLE STATORS WITH
TERMINATION HOOKS

Examiner: Evan H. Langdon

GAU: 3654

Confirmation No: 7753



Transmitted herewith is:

- (1) Amendment Transmittal Letter
- (1) Amendment and Request for Reconsideration
- (1) Certified Copy of European Patent Application No. 02425513.5, filed on August 2, 2002
- (1) Certificate of Mailing by First Class Mail
- (1) Acknowledgement Postcard

RECEIVED

Attorney Docket No. 1327.ATOP:108US Customer No. 24041 JUL 24 2006

SIMPSON & SIMPSON**COPY**

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**Europäisches
Patentamt**

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Patent Office**

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Bescheinigung

Certificate

Attestation

Die angehefteten Unterlagen stimmen mit der ursprünglich eingereichten Fassung der auf dem nächsten Blatt bezeichneten europäischen Patentanmeldung überein.

The attached documents are exact copies of the European patent application described on the following page, as originally filed.

Les documents fixés à cette attestation sont conformes à la version initialement déposée de la demande de brevet européen spécifiée à la page suivante.

Patentanmeldung Nr. Patent application No. Demande de brevet n°

02425513.5

Der Präsident des Europäischen Patentamts;
Im Auftrag

For the President of the European Patent Office

Le Président de l'Office européen des brevets
p.o.

R C van Dijk